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OFFICE OF PETITIONS

In re Application of :
Natzume et al. :
Application No. 10/690,843 :
Filed: October 23, 2003 :
Title: Distance Calculating Method and System :

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed April 11, 2006.

The petition to withdraw the holding of abandonment is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed October 7, 2004. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on January 8, 2005. A Notice of Abandonment was mailed on February 17, 2005.

Petitioner contends the Notice of Allowance and Notice of Allowability were never received.

Petitioner's argument has been considered but it is not convincing to establish the holding of abandonment should be withdrawn. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.¹ The showing


¹M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

The Office requests further clarification of the firm's practice for docketing communications from the USPTO. Unfortunately, the firm's docketing system is not apparent from the docket record submitted with this petition.

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